

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

Case No. 4:24-CV-00004-M-RJ

ANITA WASHINGTON AND MW,

Plaintiff,

v.

MICHAEL COWARD, et al.,

Defendants.

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ORDER

This matter comes before the court on the memorandum and recommendation (“M&R”) issued by United States Magistrate Judge Robert B. Jones, Jr. pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b). DE 6. After conducting a frivolity review in accordance with 28 U.S.C. § 1915, Judge Jones recommends that the court dismiss the Plaintiff’s claims without prejudice. *Id.* at 6. Judge Jones instructed the Plaintiff to file any written objections to his recommendation on or before March 19, 2024. *Id.* On March 14, 2024, Plaintiff filed a document liberally construed as both an objection and a motion to amend the operative Complaint. DE 7. This court referred the motion to Judge Jones, who denied it on March 18, 2024. DE 8. Plaintiff filed a notice of interlocutory appeal on March 27, 2024 (DE 9), and on July 29, 2024, the Fourth Circuit Court of Appeals entered an order dismissing the appeal (DE 13). The mandate issued on August 20, 2024, and the matter is now ripe for consideration by this court.

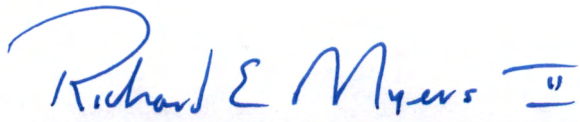
A magistrate judge’s recommendation carries no presumptive weight. The court “may accept, reject, or modify, in whole or in part, the . . . recommendation[] . . . receive further evidence

or recommit the matter to the magistrate judge with instructions.” 28 U.S.C. § 636(b)(1); *accord Mathews v. Weber*, 423 U.S. 261, 271 (1976). The court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* § 636(b)(1). Absent a specific and timely objection, the court reviews only for “clear error” and need not give any explanation for adopting the recommendation. *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

Plaintiff makes no objection to any specified finding or recommendation by Judge Jones. Rather, Plaintiff repeats her allegations that certain conduct or events “did in fact” occur, which caused the harm alleged in the Complaint. The court has reviewed the M&R, as well as Judge Jones’ order denying Plaintiff’s motion to amend, and finds no error nor any finding or conclusion that is contrary to law. Plaintiff fails to demonstrate that any objection to the M&R should be sustained.

Therefore, upon de novo review of the M&R and the record presented, and finding no error, the court ADOPTS the recommendation of the magistrate judge as its own. For the reasons stated therein, Plaintiff objection to the M&R is OVERRULED, and the Complaint in this case is DISMISSED WITHOUT PREJUDICE. The Clerk of the Court shall close the case.

SO ORDERED this 2^d day of October, 2024.



RICHARD E. MYERS II
CHIEF UNITED STATES DISTRICT JUDGE